

**ARTICLE VIII**  
**PLANNED HEALTHCARE DISTRICT**

**SECTION 28 – 801 PLANNED HEALTHCARE DISTRICT (“HC”)**

**A. PURPOSE**

The purpose of the HC District is to provide for the planned and orderly development of major medical-related uses. The HC District requires Planning and Zoning Commission approval of a detailed site plan to ensure compatibility with surrounding neighborhoods.

The nature, size, scale or intensity of a proposed uses may cause a particular site not to be suitable for a specific HC proposal. Therefore, there is no general presumption that an application for such a use at a particular location is valid, inures to the general benefit of the Town, is compatible with surrounding uses or is in compliance with the Town’s Comprehensive Plan. Instead, each application will be evaluated according to its particular location and the degree to which the developer is willing or able to propose a development plan which ameliorates any adverse impacts and furthers the goals and objectives of this Section and the Ordinance generally.

**B. LOCATION**

The HC District is a floating zone and may be established anywhere within the Town limits provided the requirements of this subsection are satisfied

**C. PRINCIPAL PERMITTED USES**

**Residential Uses**

1. Domiciliary Care

**Commercial Uses**

1. Health Care Facilities related to Hospital Operations
2. Medical office Park

**Institutional Uses**

1. Hospitals
2. Nursing Homes

1  
2 3. Public Utilities  
3

4 4. Retirement Communities  
5

6 Recreational/Entertainment Uses  
7

8 1. None  
9

10 Industrial Uses  
11

12 1. None  
13

14 Miscellaneous  
15

16 1. None  
17

18 In addition, uses which are permitted in the underlying zoning district shall be  
19 permitted in the HC District.  
20

21 **D. USES PERMITTED BY SPECIAL EXCEPTION**  
22

23 Uses which are permitted in the underlying zoning district by special exception shall  
24 be permitted in a HC District provided that such uses are specifically authorized by the  
25 ordinance establishing the HC District or, in the case of a pre-existing HC District, such  
26 uses are approved by the Board of Appeals pursuant to the provisions of Section 28 –  
27 1303 of this Ordinance.  
28

29 **E. USES PERMITTED WITH A TEMPORARY USE PERMIT**  
30

31 None  
32

33 **F. PERMITTED ACCESSORY USES AND STRUCTURES**  
34

35 In order to provide certain goods and services, the following uses and structures are  
36 permitted only as an accessory use. These uses must clearly be incidental to one of the  
37 permitted uses listed above and may in no circumstances be permitted in the absence  
38 of such use(s).  
39

40 Residential Uses  
41

42 1. Single Family Dwellings, Detached  
43

1 2. Multifamily Dwellings

2  
3 3. Duplexes

4  
5  
6 Commercial Uses

7  
8 1. Banks, (but not Brokers, and Other Financial Institution)

9  
10 2. Convenience stores (subject to supplemental use standards; see section 28  
11 – 1007)

12  
13 3. Drug stores

14  
15 4. Florist shops

16  
17 5. Gift shops

18  
19 6. Laundromats

20  
21 7. Medical services including physicians offices, opticians, chiropractors,  
22 clinics, medical laboratories, etc.

23  
24 8. Newspaper/magazine shops

25  
26 9. Restaurant, sit-down

27  
28 10. Personal services such as shoe repairs, beauty parlors, etc.

29  
30 Institutional Uses

31  
32 1. Civic, service clubs and fraternal organizations

33  
34 2. Community centers or civic centers

35  
36 3. Fire, rescue or Police stations

37  
38 4. Houses of Worship

39  
40 5. Libraries

41  
42 6. Studios for the teaching of art, music, dance, crafts, etc.

1                   Recreational/Entertainment Uses

- 2
- 3                   1. Parks and recreation areas
- 4
- 5                   2. Theater, movie house, cinema – indoor
- 6

7                   Industrial Uses

- 8
- 9                   1. None
- 10

11                   Miscellaneous Uses

- 12
- 13                   1. Recycling collection stations
- 14
- 15                   2. Off-street parking lot or structure
- 16
- 17                   3. Off-street loading facility
- 18
- 19                   4. Other accessory uses and structures clearly incidental and customary to and
- 20                   associated with the permitted uses
- 21

22                   G. DEVELOPMENT STANDARDS

23

24                   The following minimum development standards shall be observed in the HC District:

25

- 26                   1. The area proposed to be zoned as HC shall have an area of at least one (1) acre.
- 27
- 28                   2. The overall residential density for permitted accessory uses shall not exceed
- 29                   eight (8) units per gross residential acre. Residential density for permitted
- 30                   principal uses shall be approved by the Town Council based on
- 31                   site/neighborhood compatibility.
- 32
- 33                   3. Required parking shall be provided in accordance with Section 28 – 1001 of
- 34                   this Ordinance.
- 35
- 36                   4. For any HC development, Common Open Space shall comprise not less than
- 37                   twenty (20%) percent of the total gross area. Such space shall include land area
- 38                   to be developed as recreational areas or which is designated for the common
- 39                   use of all occupants of the HC development but shall not include streets, off-
- 40                   street parking areas, incidental landscaped areas within off-street parking areas
- 41                   or utility easements. The Planning and Zoning Commission must be furnished
- 42                   satisfactory evidence that such open space will be continued and that provision
- 43                   is made for its perpetual maintenance.

5. All lots hereafter established shall have a frontage on a public street or way of at least one hundred (100) feet with a depth of at least one hundred (100) feet.
6. Minimum setbacks for all uses shall be as follows:
  - a. Front - fifty (50) feet from the property line.
  - b. Side - fifteen (15) feet on each side of the property line (except for fences).
  - c. Rear - twenty (20) feet from the property line (except for fences).
7. No principal permitted structure shall exceed fifty (50) feet in height, and no accessory structure shall exceed forty (40) feet in height.
8. Lot coverage by all buildings and structures shall not exceed thirty-five (35%) percent of the lot area.
9. Outdoor storage is prohibited.
10. All areas not devoted to buildings or parking areas shall be landscaped and maintained in accordance with the provisions of Section 28 – 1014 of this Ordinance.
11. The applicant shall comply with all applicable rules and regulations of the State Department of Health and Mental Hygiene.
12. Primary structures shall be located at least two hundred (200) feet from any adjacent residentially zoned lot.
13. All parking areas shall be located at least fifty (50) feet from any adjacent residentially zoned lot.
14. The applicant shall make provisions to ensure safety in the area surrounding the facility which may include additional traffic control devices (i.e. signal lights, signs, pavement painting, etc.).
15. Sidewalks shall be constructed along any public right-of-way (except for alleys) adjacent to the site along the entire frontage(s) of the property. To the extent practicable, walkways shall be constructed on the site to tie building entrances and/or pedestrian pathway systems into existing or proposed public sidewalk systems. The Planning and Zoning Commission may waive the requirement for

1 sidewalks on a given lot if they find that pedestrian circulation is adequately  
2 addressed without them. In such circumstances the requirement shall not be  
3 simply waived, but rather it may be satisfied by either the payment of a fee-in-  
4 lieu of constructing the sidewalk (which shall be based on the Town of Easton's  
5 estimate of the cost of constructing a sidewalk on the site in question) or the  
6 construction of a comparable length sidewalk on another site (or a combination  
7 of the two options) and dedication of an acceptable easement area for sidewalks  
8 for potential future construction of sidewalks on the site.  
9

10 The standards outlined above may be modified by the Town Council upon the  
11 applicant's showing that the standard would place an undue burden upon the  
12 application and that compensation is provided by another means in the application.  
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#### 14 H. APPLICATION PROCEDURES

15  
16 The following procedures shall be followed with respect to all applications for HC  
17 District Zoning:  
18

- 19 1. The application for HC District zoning shall be accompanied by a sketch plan  
20 prepared in accordance with the provisions of Section 28 – 901 of this  
21 Ordinance. The preliminary development plan shall be to scale and contain  
22 sufficient information to establish the identity of proposed uses, grades and  
23 approximate dimensions, and locations of proposed structures, streets, parking  
24 areas, walkways, easements and property lines. It shall include the following  
25 information:  
26
  - 27 a. Proposed development layout.
  - 28 b. Proposed reservations for parks, parkways, and other open spaces.
  - 29 c. Proposed location of all permitted and accessory uses within the HC  
30 development areas, including all associated off-street parking.
  - 31 d. Types of dwelling and portions of the area proposed therefore.
  - 32 e. Proposed location of dwelling and parking areas.
  - 33 f. A tabulation of the total number of acres in the proposed project and the  
34 percentage thereof designated for each of the proposed dwelling types,  
35 neighborhood retail businesses, other nonresidential uses, off-street  
36 parking, streets, parks, schools, and other reservations.
  - 37 g. A tabulation of overall density per gross acre (for projects with any  
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1 residential component).

2  
3 h. Preliminary plans and elevations of the several dwelling types.

4  
5 i. A metes and bounds description of the area subject to the HC  
6 application.

- 7  
8 2. The Planning and Zoning Commission shall review the application and make a  
9 written recommendation to the Town Council. If the Planning and Zoning  
10 Commission concludes that the proposed uses and their size, scale and location  
11 are not consistent with the Comprehensive Plan, the Commission shall make a  
12 negative recommendation to the Town Council citing the specific reasons why  
13 the application is inconsistent with the Plan.

14  
15 If the Commission concludes that the proposal conforms to the  
16 Comprehensive Plan or is subject to reasonable modifications which will  
17 bring it into conformity with the Plan, the Commission may make  
18 recommendations to the applicant regarding changes to the proposal which,  
19 in the judgment of the Commission, shall cause the proposal to better  
20 conform to the requirements of the Comprehensive Plan and the design  
21 standards, goals and objectives of this Ordinance. The applicant may  
22 resubmit the sketch plan in consideration of the Planning and Zoning  
23 Commission's comments.

24  
25 If after three sketch plan submissions, the application has not received a  
26 favorable recommendation from the Planning and Zoning Commission, the  
27 Commission shall make a negative recommendation to the Town Council  
28 setting forth its reasons as to why the application should not be granted.

29  
30 3. Mayor and Town Council Action

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32 a. Upon receiving the written report of the Planning and Zoning  
33 Commission, the Town Council shall conduct a public hearing upon the  
34 application for a HC Map amendment. The Council shall consider, but  
35 not be bound by, the recommendations and comments of the Planning  
36 and Zoning Commission. The Town Council shall make written  
37 findings of fact with regard to the following matters:

38  
39 1. Whether the proposed HC development conforms to all  
40 applicable standards set out in this Ordinance for such uses,  
41 structures and projects;

42  
43 2. Whether the proposed HC development conforms to the Town's

1 Comprehensive Plan, including those provisions of the  
2 Comprehensive Plan relating to the design and location of  
3 commercial projects of a nature similar to those proposed in the  
4 application;  
5

6 3. Whether the proposed HC development, in conjunction with  
7 existing and reasonably anticipated development in the  
8 neighborhood surrounding the site for the proposed HC, will not  
9 interfere with the adequate and orderly provision of public  
10 services to the area;  
11

12 4. Whether the proposed HC development, in conjunction with  
13 existing and reasonably anticipated development in the  
14 neighborhood surrounding the site for the proposed HC  
15 development, will not cause unacceptable traffic congestion or  
16 hazards either in or near the site for the proposed HC  
17 development or elsewhere in the Town or Talbot County;  
18

19 5. Whether the proposed HC development is planned in such a  
20 manner as to protect features of historical, cultural, or ecological  
21 importance;  
22

23 6. Whether the proposed HC development is compatible with  
24 existing development in the surrounding neighborhood and with  
25 development reasonably anticipated to occur in the  
26 neighborhood in terms of size, scale, design, and appearance or,  
27 if the proposed HC development is not so compatible, the  
28 proposed HC design contains adequate screening, landscaping  
29 and similar features to protect the surrounding neighborhood;  
30 and  
31

32 7. Whether the proposed HC development unreasonably adversely  
33 affects the value of property in the neighborhood surrounding  
34 the site.  
35

36 In making findings of fact as to the issues set forth above,  
37 there shall be no general presumption that an application for  
38 a HC use at a particular location is valid, inures to the general  
39 benefit of the Town, is compatible with surrounding uses, or  
40 is in compliance with the Town's Comprehensive Plan.  
41 Instead, each application will be evaluated according to its  
42 specific development plan in its particular location.  
43



1 b. If the Town Council makes an affirmative finding of fact as to each of  
2 the criteria listed above, the Council may enact an ordinance granting  
3 the proposed HC application. The fact that an application for a HC  
4 Zoning Map Amendment complies with the specific requirements listed  
5 above shall not require the Town Council to grant the application. The  
6 ordinance shall be subject to approval by the Mayor in accordance with  
7 the provisions of the Town Charter relating to mayoral vetoes. In  
8 determining whether or not to enact an ordinance, the Council may  
9 consider, in addition to the factors outlined above, other factors it deems  
10 appropriate including but not limited to the degree to which the  
11 proposed HC development;

12  
13 1. helps accomplish the coordinated, adjusted, and harmonious  
14 development of the Town and its environs in accordance with  
15 present and future needs;

16  
17 2. promotes health, safety, morals, order, convenience, prosperity,  
18 and general welfare; including among other things, adequate  
19 provisions for traffic, the promotion of public safety, adequate  
20 provision for light and air, conservation of natural resources, the  
21 prevention of environmental pollution, the promotion of the  
22 healthful and convenient distribution of population;

23  
24 3. exemplifies good civic design and arrangement and the  
25 stewardship of the Chesapeake Bay and the land as a universal  
26 ethic;

27  
28 4. encourages the conservation of resources, including a reduction  
29 in resource consumption;

30  
31 5. is located in at a location suitable for it given existing and  
32 reasonably foreseeable development; and

33  
34 6. encourages appropriate and sustainable economic growth.

35  
36 The "change/mistake" rule, as codified in Maryland Land Use  
37 Article Section 4.05 is not applicable to HC Zoning Map  
38 Amendment applications.

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40 The Town Council shall have the authority to impose conditions  
41 upon the grant of a HC Zoning Map Amendment application and  
42 may require the recordation of covenants and restrictions, in a form  
43 approved by the Town Attorney, to assure compliance with said

1 conditions or with any of the provisions of the Ordinance.

2  
3 Approved HC Zoning Map Amendment applications shall require  
4 the execution of a Public Works Agreement outlining the standards  
5 and responsibilities associated with the public works for the  
6 proposed project. Such agreement shall be prepared in a format  
7 acceptable to the Town Attorney.  
8

9 Town Council approval of HC projects shall expire after two (2)  
10 years if the applicant does not obtain the necessary site plan and/or  
11 subdivision approval, or if said approval itself expires. A property  
12 owner of a site subject to an approved HC District project may  
13 surrender such approval upon twenty (20) days written notice to the  
14 Town Planner. In such cases the zoning of said property shall revert  
15 to the Zoning it held prior to the HC Zoning Approval.  
16

- 17 4. Site Plan Review and Action. Upon Mayor and Town Council approval of a  
18 HC District Zoning Map amendment, the applicant shall prepare and submit a  
19 development/preliminary and a final site/subdivision plan in accordance with  
20 the site plan requirements specified in Subsection 28 – 901.3.B. of this  
21 Ordinance and/or the requirements of the Town of Easton Subdivision  
22 Regulations. The design of the preliminary and final site plan and/or  
23 subdivision shall be consistent with the ordinance granting the HC application.  
24

25 I. AMMENDMENTS TO APPROVED HC APPLICATIONS  
26

27 A property owner of a site subject to a HC District may request an amendment to the  
28 terms and conditions of the District. Any request for an amendment shall be in writing  
29 and shall include the information specified in §28 – 801.G. If the Town Planner  
30 determines that the proposed amendment (1) does not involve a material change to the  
31 design approved by the Town Council and (2) otherwise complies with the terms of  
32 this Ordinance, the amendment request shall be approved by the Town Planner. Any  
33 other amendment shall be subject to review by the Planning and Zoning Commission  
34 and Town Council according to the procedures set forth in this §28 – 801.